

DOCKET NO.: P0777.70000US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Boehm et al.
 Serial No.: 10/519,011
 Confirmation No.: 7235
 Filed: December 21, 2004
 Intern. Appln. No.: PCT/EP03/09862
 Intern. Filing Date: 08/27/2003
 For: THERAPEUTIC AEROSOL DEVICE

Examiner: Not yet assigned
 Art Unit: 3743

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 3rd day of August 2005.

Doris A. Champagne
 Doris A. Champagne

MAIL STOP MISSING PARTS

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
 DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the enclosed search report mailed December 12, 2003 from corresponding International Application No. PCT/EP03/09862.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

A translation of the claims is included in EP 0 507 707B1. An English language summary is included in the document entitled "Ability of Aerosols to Penetrate Paranasal Sinuses". English language abstracts are provided for DE 32 38 149, DE 36 17 400, DE 200 19 479 U1 and FR 2 639 236. FR 1 567 403 is mentioned in the Search Report for PCT/EP03/09862.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

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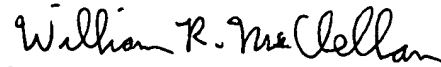
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Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Boehm et al., Applicant

By:



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Docket No.: P0777.70000US00
Date: August 03, 2005
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FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/519,011		DOCKET NO.: P0777.70000US00	
				FILING DATE: December 21, 2004		CONFIRMATION NO.: 7235	
				APPLICANT: Boehm et al.			
				GROUP ART UNIT: 3743		EXAMINER: Not yet assigned	
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U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	1	2,582,529		H.E. Curry et al.	01-15-1952
	2	4,429,835		Brugger et al.	02-07-1984

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
	3	EP	0 507 707	B1	La Diffusion Technique Française S.a.r.l.	10-07-1992	Claims
	4	EP	0 652 021	A1	Ballini, Faustino	05-10-1995	
	5	EP	0 732 111	A2	MEFAR S.p.A.	09-18-1996	
	6	EP	1 180 378	A2	Optinose AS	02-20-2002	
	7	WO	00/51672	A1	Djupesland, Per, Gisle	09-08-2000	
	8	WO	01/02024	A1	Sinus-Pharmacy.com	01-11-2001	
	9	WO	01/34232	A1	Pari GmbH Spezialisten für effektive Inhalation	05-17-2001	
	10	WO	04/020029	A1	Pari GmbH Spezialisten für effektive Inhalation	03-11-2004	
	11	DE	32 38 149	A1	Brugger, Inge	04-19-1984	Abstract
	12	DE	36 17 400	A1	Kriesmer, Thomas	11-26-1987	Abstract
	13	DE	200 19 479	U1	La Diffusion Technique Française S.a.r.l.	03-01-2001	Abstract
	14	FR	1 567 403		Carl Heyer GmbH Inhalationstechnik	05-16-1969	N
	15	FR	2 639 236	A1	La Diffusion Technique Française S.a.r.l.	05-25-1990	Abstract

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	16	H. KAUF, "Ability of Aerosols to Penetrate Paranasal Sinuses", Archiv klin. exper. Ohren-, Nasen- und Kehlkopfheilk., 190, pp. 95-108, 1968	Summary
	17	HYO ET AL., "Particle deposition efficiency of therapeutic aerosols in the human maxillary sinus, Rhinology, 27, pp. 17-26, 1989	
	18	Search report mailed December 12, 2003 from corresponding International Application No. PCT/EP03/09862	

EXAMINER:	DATE CONSIDERED:
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]